

otherwise cared for at the expense of said "road fund": *Provided*, Proviso: physical disability. that in case of serious physical disability certified by the county physician, persons convicted in any court may be sentenced to the State's Prison or county jail.

SEC. 12. That the said board of commissioners are hereby authorized to accept convicts from other counties of the State, sentenced by the Superior Court judge, whenever in their judgment it is deemed advisable to do so, and the cost of transporting and maintaining such convicts or prisoners shall be paid from said "road fund." Convicts from other counties.  
Cost of transportation and maintenance.

SEC. 13. In the event the said board of commissioners shall at any time find it unprofitable, by reason of an insufficient number or otherwise, to continue to work the convicts sentenced to the roads of said county, the board of commissioners of Rutherford County are authorized and empowered to hire the said convicts to the county commissioners or good roads authorities of some other county in the State or to the town authorities of any incorporated town in Rutherford County. Hire of convicts to other counties or to towns.

SEC. 14. That for the purpose of carrying out the provisions of this act, the said superintendent of roads and supervisors, after first consulting the owner or agent of the land from which said material for repairing roads may be gotten, are hereby authorized to enter upon any lands near to or adjoining any public road, to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay, or stone which may be necessary to construct, improve, or repair said road; to enter on any land adjoining or lying near the road in order to make such drain or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands or timber or improvements thereon as the nature of the case and the public good will permit; and the drains and the ditches so made shall be conducted to nearest ditch, drain, water-course or waste ground and shall be kept open by said township supervisor, and shall not be obstructed by the owner or occupant of such lands or by any other person or persons, under the penalty of forfeiting a sum of not less than five dollars nor exceeding fifty dollars or imprisoned or worked on the public roads of the county for not less than ten nor exceeding thirty days for each and every offense, which said penalty shall be enforced and collected by said board of commissioners in the manner prescribed by law for the enforcement and collection of other penalties for violation of law, and said penalties when collected shall be paid over to the county treasurer and credited to said "road fund." Entry on land for material.  
Drains or ditches.  
Construction of drains or ditches.  
Penalty for obstruction.  
Collection of penalties: to use of road fund.

SEC. 15. That if any owner of any lands or the agent or agents of such owner having in charge lands from which timber, stone, gravel, sand, or clay was taken as aforesaid, shall present an account of the same to the superintendent of roads or township Accounts for material.